

**AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MS. CROCKETT**

Beginning on page 7, strike Section A: “The Committees Seek Information from Hunter Biden Central to the Investigative Purpose of the Impeachment Inquiry of President Joe Biden and the Committees’ Legislative Oversight Investigation,” insert the following new section and make corresponding changes to the Table of Contents:

“A. Chairman Comer Misrepresents Testimony from Closed Door Interview with Devon Archer

Chairman Comer has repeatedly misrepresented the testimony that Devon Archer provided to Committee Republicans and Democrats behind closed doors.

In his transcribed interview, Mr. Archer repeatedly explained that President Biden was not involved in his son’s business activities and that during his more than decade-long business relationship with Hunter Biden he never witnessed President Biden have any involvement in his son’s business dealings or take any official actions to benefit Hunter Biden or his businesses nor did he ever witness Hunter Biden discuss the substance of his business with his father or ask his father to take any official actions.¹

Speaking specifically about Ukraine and Hunter Biden’s role with Burisma, the Ukrainian energy company on whose board they both served, Mr. Archer repeatedly and unequivocally explained Hunter Biden never discussed Burisma with his father and never asked his father to take any official action to benefit him or Burisma. Mr. Archer further explained that then-Vice President Biden’s role in calling for the ouster of the corrupt Ukrainian prosecutor general Viktor Shokin was “bad for Burisma” because of the understanding that Burisma had Mr. Shokin “under control,” especially after January 2015, when British authorities were forced to release assets belonging to Burisma’s owner, Mykola Zlochevsky, because of a lack of cooperation from Ukrainian prosecutors. Mr. Archer explicitly stated he had no reason to believe Vice President Biden’s call for Shokin’s removal was driven by anything other than the U.S. government’s anticorruption policy in Ukraine.²

In alleging supposed wrongdoing by President Biden, Chairman Comer has pointed to Mr. Archer’s testimony that then-Vice President Biden was present at two Café Milano dinners

¹ Transcript from Transcribed Interview with Devon Archer (July 31, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/08/Devon-Archer-Transcript.pdf>); Memorandum from Democratic Staff to Democratic members of the Committee on Oversight and Accountability, *Transcribed Interview of Devon Archer* (Aug. 3, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-08-03.Democratic%20Member%20Memorandum%20re%20Archer%20Transcribed%20Interview%20Final.pdf>).

² *Id.*

also attended by some of Hunter Biden’s business partners, and that Mr. Archer witnessed Hunter Biden speak to his father on the phone when in the presence of business partners.³ However, the transcript from Mr. Archer’s transcribed interview makes clear that while Hunter Biden spoke frequently with his father, sometimes when Hunter Biden was with other people, Mr. Archer never witnessed any discussion of substantive business during these calls. According to Mr. Archer, these conversations were typically about the weather and other niceties.⁴ Similarly, Mr. Archer explained in his transcribed interview before the Committee that then-Vice President Biden simply made “dinner conversation” with attendees at the Café Milano dinners, including conversation about the weather.⁵

Chairman Comer has also claimed that Devon Archer said during his transcribed interview that President Biden was “the Brand” that Hunter Biden was selling to Burisma.⁶ However, when asked directly if President Biden was “the brand,” Mr. Archer clarified that “D.C. was the brand.”⁷ Mr. Archer explained that Hunter Biden helped to assemble a team of attorneys, lobbyists, and public affairs professionals to handle Burisma’s government relations, and that President Biden was not part of this “D.C. team.”⁸ Mr. Archer further explained that to his knowledge, Burisma had requested Hunter Biden assist them with their issues in D.C using this lobbying team—not the then-Vice President.

Addressing a December 2015 phone call Hunter Biden made after a Burisma board meeting, Mr. Archer explained he knew only that Hunter Biden was calling “D.C.” Chairman Comer has said that Mr. Archer “admitted that the Burisma executives were squeezing Hunter Biden to try to do everything he could to get the prosecutor Shokin fired, because they were going after their corrupt energy company. And lo and behold, a few days later, Joe Biden

³ See *Biden Stonewalling Probe, Has Given Just 14K of 82K Email Pages*: James Comer, NY Post (Dec. 1, 2023) (online at <https://nypost.com/2023/12/01/news/comer-biden-stonewalling-has-given-14-of-82k-email-pages/>); Chairman Comer (@RepJamesComer), X (Dec. 6, 2023) (online at <https://twitter.com/RepJamesComer/status/1732488424005705976>).

⁴ Transcript from Transcribed Interview with Devon Archer (July 31, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/08/Devon-Archer-Transcript.pdf>); Memorandum from Democratic Staff to Democratic members of the Committee on Oversight and Accountability, *Transcribed Interview of Devon Archer* (Aug. 3, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-08-03.Democratic%20Member%20Memorandum%20re%20Archer%20Transcribed%20Interview%20Final.pdf>).

⁵ *Id.*

⁶ Committee on Oversight and Accountability Democrats, *Press Release: As the House Returns to Session, Ranking Member Raskin Releases Statement on the “Overwhelming Failure” of Republicans’ “Top Priority” Investigation* (Sept. 11, 2023) (online at <https://oversight.house.gov/release/comer-delivers-remarks-on-house-floor-in-support-of-impeachment-inquiry-as-congress-faces-obstruction-from-white-house-we-must-take-action-to-hold-president-biden-accountable%EF%BF%BC/>).

⁷ Transcript from Transcribed Interview with Devon Archer (July 31, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/08/Devon-Archer-Transcript.pdf>); Memorandum from Democratic Staff to Democratic members of the Committee on Oversight and Accountability, *Transcribed Interview of Devon Archer* (Aug. 3, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-08-03.Democratic%20Member%20Memorandum%20re%20Archer%20Transcribed%20Interview%20Final.pdf>).

⁸ *Id.*

actually did that.”⁹ However, Mr. Archer explained he did not know who Hunter Biden called. He provided it may have been the “D.C. team” he and Hunter Biden helped assemble and had no reason to believe it referred to then-Vice President Biden. He also emphasized that, at the time of that phone call, it was already understood Ukraine’s corrupt Prosecutor General, Viktor Shokin, was good for Burisma and that his ouster would be bad for the company and its owner, Mr. Zlochevsky.¹⁰

While Chairman Comer’s misleading statements about Mr. Archer’s statements were called out by independent fact-checkers once the transcript was released, Committee Republicans have kept the transcripts of the vast majority of transcribed interviews conducted this Congress secret from the American people.¹¹ Committee Republicans have publicly released transcripts for only two of 17 transcribed interviews they have conducted this Congress, allowing them to cherry-pick and distort the evidence unchecked.”

⁹ Comer: ‘History Will Show’ This Is One of Biggest Political Crimes Ever, Newsmax (Aug. 1, 2023) (online at www.youtube.com/watch?v=yOAUSzpwFcY).

¹⁰ Transcript from Transcribed Interview with Devon Archer (July 31, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/08/Devon-Archer-Transcript.pdf>); Memorandum from Democratic Staff to Democratic members of the Committee on Oversight and Accountability, *Transcribed Interview of Devon Archer* (Aug. 3, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-08-03.Democratic%20Member%20Memorandum%20re%20Archer%20Transcribed%20Interview%20Final.pdf>).

¹¹ E.g., FactCheck.Org, *Republicans Oversell Archer’s Testimony About Hunter and Joe Biden* (Aug. 14, 2023) (online at www.factcheck.org/2023/08/republicans-oversell-archers-testimony-about-hunter-and-joe-biden/); Politifact, *Transcript of Devon Archer Testimony Doesn’t Back Key Claims About Joe and Hunter Biden* (Aug. 4, 2023) (online at www.politifact.com/article/2023/aug/04/transcript-of-devon-archer-testimony-doesnt-back-k/).